

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CASE NO.: 2:08-CR-213  
JUDGE SMITH  
MAGISTRATE JUDGE ABEL**

**JAMES DAUGHERTY,**

**Defendant.**

**ORDER**

On February 20, 2009, the Magistrate Judge issued a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), recommending that the Court accept Defendant Daniel Daugherty's guilty plea to Count One of the Indictment charging him with conspiracy to distribute and possess with intent to distribute over 100 kilograms of marijuana in violation of 18 U.S.C. §841(a)(1) and (b)(1)(B)(vii) and 846. Defendant, represented by counsel, waived his right to appear on the matter before a District Judge. The Magistrate Judge conducted the colloquy required by Rule 11(b) of the Federal Rules of Criminal Procedure. Defendant's plea was knowing, voluntary, free from coercion, and had a basis in fact. Defendant was specifically informed of his right to contest the Report and Recommendation by filing any objections within 10 days of the issuance of the Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. Defendant did not file any objections. Accordingly, the Court **ADOPTS** the Report and Recommendation and **ACCEPTS** Defendant's plea of guilty of Count One of the Information. Defendant is hereby adjudged guilty on that count.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**